

November 18, 2003

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

Re: *RM-10403 - - NOTICE OF EX PARTE COMMUNICATION*

Dear Ms. Dortch:

On behalf of WaveRider Communications, Inc. ("WaveRider"), we are writing to report that undersigned counsel met on November 14, 2003 with Commissioner Kathleen Q. Abernathy and Jennifer Manner, Senior Counsel to Commissioner Abernathy, to discuss WaveRider's opposition to the above-referenced petition for rulemaking filed by Progeny LMS, LLC ("Progeny"). The positions discussed during the meeting are set forth in the prior filings by WaveRider and its customers in this proceeding,<sup>1</sup> and in the attached written presentation that was distributed at the meeting.

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<sup>1</sup> See *Ex Parte* Letter from Robert D. Primosch, Esq., Counsel for WaveRider Communications, Inc., RM-10403 (filed November 5, 2003); *Ex Parte* Letter from Robert D. Primosch, Esq., Counsel for WaveRider Communications, Inc., RM-10403 (filed March 7, 2003); *Ex Parte* Letter from Robert D. Primosch, Esq., Counsel for WaveRider Communications, Inc., RM-10403 (Sept. 26, 2002); Comments of WaveRider Communications, Inc., RM-10403 (filed May 14, 2002); *Ex Parte* Letter from Northwest Internet Services, RM-10403 (filed May 23, 2003); *Ex Parte* Letter from Joink, Inc., RM-10403 (filed May 8, 2003); *Ex Parte* Letter from ISP Wireless Group, RM-10403 (filed May 7, 2003); *Ex Parte* Letter from City of Buffalo, Minnesota, RM-10403 (filed May 7, 2003); *Ex Parte* Letter from REA-ALP Internet Services, RM-10403 (filed May 5, 2003).

WILKINSON ) BARKER ) KNAUER ) LLP

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Should there be any questions concerning this submission, please contact the undersigned.

Very truly yours,

/s/ Robert D. Primosch  
Robert D. Primosch  
Counsel for  
WaveRider Communications, Inc.

cc (via e-mail): Jennifer Manner